THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.Nos.28085 to 28088 of 2007

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Between:

Jakkala Venkataramana and others.

.. PETITIONERS

and

The Joint Collector and others.

.. RESPONDENTS

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COMMON ORDER:

Since similar questions that arise for consideration in these writ petitions, they are being taken up together for disposal by way of common order.

It is the case of the petitioners that against the orders passed by the Tahsildar, Madanapalle, in proceedings Roc.No.246/2007, dated 08-03-2007; Roc.No.252/2007, dated 03-03-2007; Roc.No.264/2007, dated 08-03-2007 and Roc.No.270/2007, dated 20-05-2007, in cancelling D.K.T. pattas granted in favour of the petitioners and resuming the lands for the purpose of providing house sites to the weaker sections in exercise of the powers conferred as per condition No.17 of DKT pattas, the petitioners filed appeals before the Revenue Divisional Officer, Madanapalle. The Revenue Divisional Officer through orders, dated 21-07-2007, in proceedings Nos.D.Dis.(B1)/1963/2007, D.Dis.(B1)/1061/2007, D.Dis.(B1)/1059/2007 and D.Dis.(B1)/1060/2007, while dismissing the appeals observed that the petitioners are eligible for ex-gratia as provided under G.O.Ms.No.1307, dated 23-12-1993, since the lands were resumed for public purpose like providing house sites to the landless poor. Accordingly, the petitioners are permitted to approach the Tahsildhar, Madanapalle, for ex-gratia. Aggrieved by the orders of the Revenue Divisional Officer, the petitioners filed revisions before the Joint Collector, Chittoor and the same are pending.

However, learned counsel appearing for the petitioners submits that he will not pursue the remedy of revision in view of the order passed by this court in W.P.No.19778 of 2006 and batch, dated 19-10-2006. The facts of these cases are similar to the facts in W.P.No.19778 of 2006 and batch, as the lands in questions were admittedly allotted vide D.K.T. pattas and the assigned lands were resumed in exercise of the powers conferred as per condition No.17 of D.K.T. patta.

Though the Larger Bench of this Court in ***LAO-cum-RDO, Chavella Division, Domalagude, Hyderabad Vs. Mekala Pandu***[1] held that the

assignees are also entitled for compensation in accordance with the provisions of the Land Acquisition Act, 1894 (for short "the Act"), whenever such lands are resumed, the said judgment of the Larger Bench was stayed by the Supreme Court. In the subsequent judgment in ***P.MALLAIAH Vs. GOVERNMENT OF ANDHRA PRADESH***[2] this court held to the effect that such assignees of DKT patta holders, whose lands have been resumed for the public purpose, are entitled to claim compensation as per the provisions of the Act, that is to say, solatium, additional compensation and interest.

Accordingly, following the aforesaid judgments, this court disposed of W.P.No.19978 of 2006 and batch, on 19-10-2006, directing the respondents to pay compensation/ex-gratia as per the provisions of the Act including solatium, additional compensation and interest. However, the direction shall be enforceable subject to the judgment of the Supreme Court in the appeals filed against the decision in ***MEKALA PANDU's*** case (1 supra).

Having regard to the facts and circumstances of the case, the writ petitions are disposed of directing the respondents to pay compensation/ex-gratia as per the provisions of the Act including solatium, additional compensation and interest. However, the direction shall be enforceable subject to the judgment of the Supreme Court in the appeals filed against the decision in ***MEKALA PANDU's*** case (1 supra). There shall be no order as to costs.

28-12-2007

Prv

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[1] 2004 (2) ALD 451 (LB)

[2] 2006 (3) ALD 148